

BILL NO. S-76-05-22

SPECIAL ORDINANCE NO. S- 103-76

AN ORDINANCE approving a certain bid document for materials and construction for the Board of Park Commissioners.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. A certain bid document Ref. No. 709 dated March 15, 1976, between the City of Fort Wayne, by and through its Mayor and the Board of Park Commissioners and Wermuth, Inc., for:

Accoustical Panels and Catwalks for Foellinger Outdoor Theatre at Franke Park

for a total cost of \$97,000.00, all as more particularly set forth in said bid document Ref. No. 709 and Purchase Order No. 3-33257, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilman

APPROVED AS TO FORM
AND LEGALITY.

[Signature]
CITY ATTORNEY

Read the first time in full and on motion by V. Schmidt, seconded by Johannes, and duly adopted: read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 5/11/76 Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by Hingwa, and duly adopted, placed on its passage. Passed (Lost) by the following vote:

| | AYES | NAYS | ABSTAINED | ABSENT | TO-WIT |
|-------------|----------|----------|-----------|----------|--------|
| TOTAL VOTES | <u>8</u> | <u>0</u> | | <u>1</u> | |
| BURNS | <u>X</u> | | | | |
| HINGA | <u>X</u> | | | | |
| HUNTER | <u>X</u> | | | | |
| MOSES | | | | <u>A</u> | |
| NUCKOLS | <u>X</u> | | | | |
| SCHMIDT, D. | <u>X</u> | | | | |
| SCHMIDT, V. | <u>X</u> | | | | |
| STIER | <u>X</u> | | | | |
| TALARICO | <u>X</u> | | | | |

DATE: 5-25-76 Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 203-76 on the 25th day of May, 1976.

ATTEST: (SEAL) James Stier
Charles W. Westerman PRESIDING OFFICER
CITY CLERK

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of May, 1976, at the hour of 11:00 o'clock 7 M., E.S.T.

Approved and signed by me this 26th day of May, 1976, at the hour of 2:00 o'clock PM, E.S.T.

Charles W. Westerman YHL
CITY CLERK
Robert E. Armstrong
MAYOR

Bill No. S-76-05-02

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance
approving a certain bid document for materials and construction for the Board of
Park Commissioners.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance hls PASS.

Vivian G. Schmidt - Chairman

William T. Hinga - Vice-Chairman

Winfield C. Moses, Jr.

John Nuckols

Samuel J. Talarico

Vivian G. Schmidt
William T. Hinga
Winfield C. Moses, Jr.
John Nuckols
Samuel J. Talarico

DATE 5/25/76 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

BILL NO. S-76-05-62

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving a certain bid document for materials and construction for the Board of Park Commissioners.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY
OF FORT WAYNE, INDIANA:

SECTION 1. A certain bid document Ref. No. 709 dated March 15, 1976, between the City of Fort Wayne, by and through its Mayor and the Board of Park Commissioners and Wermuth, Inc., for:

Accoustical Panels and Catwalks for Foellinger
Outdoor Theatre at Franke Park

for a total cost of \$97,000.00, all as more particularly set forth in said bid document Ref. No. 709 and Purchase Order No. 3-33257, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein, made a part hereof and are hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Councilman

House Memorandum

To A.C. Lord, Purchasing. Date 4/20/76
From Phil Bennett, Park Department
Subject Bid Ref. #709 **F**

COPIES TO:

Arnold
Noak
Stephanoff
Grinsfelder

P.O. 3-33257

Please accept the best and only bid from Wermuth,
Inc. for construction and installation of acoustical
panels and catwalks for the Foellinger Outdoor Theatre.

Also, please accept alternates #1 and #2 as bid
and specified.

mrr

Memorandum

To Phil Bennet, Park Department

Date April 21, 1976

From A. C. Lord, Purchasing Department

Subject Bid Reference No. 709

COPIES TO:

R.C. Arnold

Herewith are Bid Documents (Reference No. 709) relating to Purchase Order No. 3-33257 which is prepared favoring Wermuth, Inc. for construction of Acoustical Panels and Cat Walks at the Foellinger Outdoor Theatre for preparation of the enabling ordinance:

1. Park Department Memorandum dated 4-20-76
2. Tabulation of Bid.
3. List of Vendors invited to Bid.
4. Wermuth, Inc. Bid package.
5. Copy of Purchase Order 3-33257.

Eight (8) Contractors were invited to Bid; Only two (2) picked up bid package (Wermuth, Inc. and Civilian Contractors, Inc.). Only Wermuth, Inc. returned the Bid. Notations on the List of Vendors (Item #3) reflect reason others failed to bid.

In line with my April 15 letter regarding Council approval of Purchase Orders please make sure that no confirming Purchase Order Number is communicated to Wermuth, Inc. until evidence of such approval is furnished to the Purchasing Department.



Tabulation of Bid

Bid Reference No. 709

Closing Date March 31, 1976

Accoustical Panels & Catwalks
for Foellinger Outdoor Theatre

Principal Bid

Alternate 1

Alternate 2

Wermuth, Inc.
1036 St. Mary's Avenue
Fort Wayne, Indiana 46808

Attached, Afl OK Bid Book

77,000.00

8,000.00

12,000.00

Civilian Construction Corporation
5315 Industrial Drive
Fort Wayne, Indiana 46825

No Resonse

—

—

Bid Reference No. 709

Date March 31, 1976

Vendors Name & Address

Cards Mailed

Bids Picked Up

Bids Mailed

Silkworth Construction Company, Inc.
501 Wolf Drive
Fort Wayne, Indiana 46825

421 MR. ZIMMERMAN DID NOT PICK UP BID THEIR SCHEDULE

3-17-76

Zumbrun Construction Company
3110 Edwards
Fort Wayne, Indiana 46804

421 MR. ZUMBRUN DID NOT CHOOSE TO BID THIS JOB

Lauer Construction Company
5608 Decatur Road
Fort Wayne, Indiana 46806

421 MR. LAUER - OTHER BUSINESS COMMITMENTS INTERFERED

Wermuth, Inc.
1036 St. Mary's Avenue
Fort Wayne, Indiana 46808

3-18-76

Civilian Construction Corporation
5315 Industrial Drive
Fort Wayne, Indiana 46825

421 JERRY HUBBARD - (OUT OF TOWN - COULD NOT CONTACT)

3-18-76

C. A. Lehman & Sons
901 Hayden Street
Fort Wayne, Indiana 46803

421 MR. LEHMAN - OTHER LARGE JOBS TOOK PRECEDENCE

Grewe Contractor Corporation
2524 Pontiac Street
Fort Wayne, Indiana 46803

421 MR. SCHUMMERER JOB NOT COMFORTABLE (244 101) WITH THEIR BUSINESS AT THAT TIME

Michael Kinder & Sons
5206 Decatur Road
Fort Wayne, Indiana 46806

421 J. KINDER - INTERESTED BUT OTHER WORK TOOK PRECEDENCE

CITY OF FORT WAYNE
DEPARTMENT OF PURCHASES

Number One Main St., Ft. Wayne, Ind. 46802

INVITATION

Quotations, subject to the conditions on the reverse hereof, are requested on the following list of materials, supplies, equipment or services, for the department as mentioned, with delivery to destination as shown below. Quotations shall include all charges for delivery, packing, etc. Address your reply as indicated below.*

*Mail all replies and correspondence, etc. to Atty. A. C. Lord - 423-7037

DEPARTMENT OF PURCHASES

Room ~~C-174~~. Number One Main St., Ft. Wayne, Ind. 46802

REQUIRED FOR DELIVERY TO:

Department Board of Park Commissioners

or Division 8th Floor - City County Building

One Main Street - Fort Wayne, Indiana 46802

Address One Main Street - Fort Wayne, Indiana

RETURN ORIGINAL TO THE CITY—RETAIN DUPLICATE COPY FOR YOUR FILE

Closing Wednesday - March 31, 1976 - 10:00 A.M.

TAXES: THE CITY IS EXEMPT FROM FEDERAL EXCISE AND INDIANA STATE SALES TAX. THE CITY'S INDIANA SALES TAX EXEMPTION CERTIFICATE NUMBER IS NO. 34508. PRICES SHOULD NOT INCLUDE THESE TAXES. See "Instructions to Bidders" No. 10 on reverse hereof for details.

TAX EXEMPT (Unless otherwise indicated)

| Quantity | Unit | Materials, Supplies, Equipment or Services | Unit Price | Total Amount |
|----------|------|---|------------|---------------------|
| | | Accoustical Panels and Catwalks for Foellinger Outdoor Theatre at Franke Park as per attached Specifications. | | <u>See ATTACHED</u> |
| | | Each Bidder must submit a current 1976 written Affirmative Action Program with their bid - or - have it on file with our E. E. O. Office for the current year. NOTE: Forms attached must be completed in full, if not on file in E.E.O. Office. | | |
| | | Specify which: On File: _____ Attached: <input checked="" type="checkbox"/> _____ | | |

Bid Bond required ☐ NO ☒ YES 5% Performance Bond ☐ NO ☒ YES 100%
See Instruction Item No. 16 on reverse side hereof.
Terms. 0 % cash discount if paid within 30 days from delivery and acceptance of goods or completion of services.

PROPOSAL OR BID

In compliance with the above invitation for bids and subject to all conditions thereof, the undersigned offers and agrees, if this bid be accepted within a reasonable time from date of opening, to furnish any or all of the items or render such services upon which prices are quoted, in accordance with the specifications appearing and at the office of the undersigned, each item.

Delivery of any or all of the items or completion of services indicated shall be made within _____ days from receipt of order.

IMPORTANT 457

As delivery may be a deciding factor in the award of an order, it is important that bidders furnish the information requested above.

Sign Here:

WERMUTH INC

Name of Company

Per James H. Smith P25310247

GENERAL CONDITIONS, INSTRUCTIONS TO BIDDERS AND INFORMATION FOR BIDDERS

1. **Special Conditions:** Special conditions included in the Bid Document shall take precedence over any provisions stipulated hereunder.
2. **Applicable Laws:** The Revised statutes of the State of Indiana, and all City ordinances insofar as they apply to the laws of competitive bidding, contracts, and purchases, are made a part hereof.
3. **Workmen's Compensation:** Insofar as Workmen's Compensation Act is concerned, the bidder or contractor agrees to furnish an official certificate from the Industrial Board of Indiana, showing that he is in compliance with such law, whenever such certificates are required in the Bid Document.
4. **Infringements and Indemnifications:** The bidder, if awarded an order or contract, agrees to protect, defend, and save the City harmless against any demand for payment for the use of any patented material, process, article, or device that may enter into the manufacture, construction, or form a part of the work covered by either order or contract and be further agrees to indemnify and save the City harmless from suits or actions of every nature and description brought against it, for or on account of any injuries or damages received or sustained by a party or parties, by or from any of the acts of the contractor, his servants, or agents.
To this extent the bidder or contractor agrees to furnish adequate Public Liability and Property Damage Insurance, the amount of which will be determined by the City whenever such insurance is deemed necessary. When so required the types and amounts of insurance to be provided is set forth in the Bid Document.
5. **Pricing:** Prices should be stated in units of quantity specified in the Bid Document. In case of discrepancy in computing the amount of the bid the unit prices quoted will govern.
6. **Delivery:** Quotations should include all charges for delivery, packing, crating, containers, etc. Unless otherwise stated by the bidder price quoted will be considered as being based on delivery to the destination designated in the Bid Document and to include all delivery and packing charges.
7. **Specifications:** Unless otherwise stated by the bidder the proposal will be considered as being in strict accordance with the specifications outlined in the Bid Document.
References to a particular trade name, manufacturer's catalog or model number are made for descriptive purposes to guide the bidder in interpreting the requirements of the City. They should not be construed as excluding proposals on other types of materials, equipment and supplies. However the bidder, if awarded a contract, will be required to furnish the particular item referred to in the specifications or description unless a departure or substitution is clearly noted and described in the proposal.
8. **Samples:** Samples, when requested, must be furnished free of expense to the City and if not destroyed, will upon request be returned at the bidder's expense.
9. **Cash Discounts:** Time in connection with cash discount offered, will be computed from date of delivery and acceptance at final destination or from date properly executed claim voucher is received, if the latter date is later than the date of delivery and acceptance.
10. **Taxes:** The City is generally exempt from Federal Excise and Indiana State Sales Tax. Quotations must be separated to show the amount to be added for taxes of any kind if applicable. Prices should not include tax. The City will pay such taxes as are applicable to this purchase. Exemption forms will be furnished wherever necessary. Taxes wherever indicated and which are applicable to this purchase, will not be subject to any trade or cash discounts.
11. **Form Informalities and Rejection:** The City reserves the right to waive informalities not inconsistent with law or to reject any or all bids.
12. **Awards:** Unless otherwise specified in the Bid Document the City reserves the right to accept any item in the bid. Unless otherwise stated in the Bid Document bidders may submit proposals on any item or group of items, provided however that the unit prices are also on as requested.
13. **Payments:** Partial payments may be made upon presentation of properly executed claim voucher unless otherwise stated in the Bid Document. The final payment will be made by the City when the materials, supplies or equipment has been fully delivered and accepted or the work completed to the full satisfaction of the City.
14. **Bidder's Signature:** Each proposal form must be signed by the bidder with his usual signature. All signatures should be in full.
Bids by partnership should include the names of the partners comprising the partnership and must be signed by one or more of the partners in the following manner: "John Jones and James Smith, d.b.n., Smith-Jones Company, by John Jones, a partner".
Bids by corporations must be signed with the names of the corporation, followed by the signature and designation of the president, vice-president, or person authorized to bind it in the matter.
15. **The successful bidder, or contractor, agrees that he will comply with Indiana Acts 1961, chapter 208, section 10, being Burns Indiana Statute 40-2316-1054 supplement requiring such bidder, contractor, or his subcontractor not to discriminate with respect to hiring, tenure, terms, conditions, or privileges of employment because of race, color religion, national origin or ancestry.**
16. **Unless otherwise specifically indicated under the individual listings in the legal advertisement or invitation to bid, all bids shall be subject to the following.**
 - a) A Bid bond, deposit of cash, certified check or Bank Cashiers Check, in the amount specified, drawn on a solvent bank payable to the City of Fort Wayne or to the contracting division thereof.
 - b) The successful bidder will be required to furnish a bond of Certified Check on a solvent bank, payable to the City of Fort Wayne or to the contracting division thereof, in the amount specified in the notice of bids wanted or the invitation to bid, as a guarantee for the faithful performance thereof.
17. **Submission and Receipt of Bids:**
 - a) Proposals, to receive consideration, must be received prior to the specified time of closing as designated in the invitation.
 - b) Bidders must use the Bid Document proposal form furnished by the City as none other will be accepted. Proposal forms must be returned intact. Removal of any part thereof may invalidate the bid.
 - c) Bidders are requested to use the Bid Envelope if furnished by the City, or other similarly identified envelope to assure proper handling. Envelopes should be sealed when submitted with information on the face of the Bid Envelope to identify the bid, e.g., Bid Reference number and date of closing and City Agency involved.
 - d) Separate proposals must be submitted on each reference number.
 - e) Proposals having any erasures or corrections thereon may be rejected unless explained or noted over the signature of the bidder.

Accepted _____ Date _____ as follows: _____
 Bid-Contractor Date of Preparation, etc. _____
 Date _____ as follows: _____
 Bid-Contractor Date of Preparation, etc. _____

BID FORM

GENERAL CONSTRUCTION OF ACOUSTIC PANELS AND LIGHTING CATWALKS

MARCH 31, 1976

City of Fort Wayne, Indiana
c/o City Purchasing Department
Room 470
Number One Main Street
Fort Wayne, Indiana

Gentlemen:

We propose to furnish, install, and pay for all labor, materials, and equipment required for the complete General Construction of the Acoustic Panels and Lighting Catwalks for Franke Park Outdoor Theater, located in Fort Wayne, Indiana, all as according to the plans and specifications prepared by Grinsfelder-McArdle Associates, Inc., Architect, our bid being as follows:

1. Principal Bid

The complete construction as specified, less the ten (10) side acoustic panels and the lighting catwalks for the sum of SEVENTY-SEVEN THOUSAND and 100/Dollars (\$ 77,000⁰⁰).

2. Alternate Bid #1

If the ten (10) side acoustic panels are to be included in the construction, add to the Principal General Construction bid the sum of EIGHT THOUSAND and 100/Dollars (\$ 8,000⁰⁰).

3. Alternate Bid #2

If the lighting catwalks are to be included in the construction add to the Principal General Construction Bid the sum of TWELVE THOUSAND and 100/Dollars (\$ 12,000⁰⁰).

If the Contract is awarded to us within thirty (30) days after bid due date, we will agree to complete all work covered in this contract within 100 calendar days from date of Contract and to start the project within 10 calendar days from date of Contract.

We acknowledge receipt and incorporation of Addendum Numbers _____, _____, _____.

RESPECTFULLY SUBMITTED,

by Edward Wermuth, PRESIDENT
Representative of Company

WERMUTH, INC.
Name of Company
1036 ST. MARYS AVE.
FORT WAYNE, INDIANA 743-4534
Address of Company Tel. No.

CERTIFICATION OF NON-SEGREGATED FACILITIES

Each Bidder required to submit with his bid a fully executed Certificate of Non-Segregated Facilities.

CERTIFICATION OF NON-SEGREGATED FACILITIES*

The bidder certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The bidder certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location under his control where segregated facilities are maintained. The bidder agrees that a breach of this certification will be a violation of the Equal Opportunity clause in any contract resulting from acceptance of this bid. As used in this certification, the term "segregated facilities" means any waiting rooms, work area, restrooms and washrooms, restaurants and other eating areas, timeclocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. The bidder agrees that (except where has obtained identical certification from proposed subcontractors for specific time periods) he will obtain identical certification from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause, and that he will retain such certifications in his files.

Note: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

Date MARCH 31, 1976

WERMUTH INC.
(Name of Bidder)

By Edward Wermuth

Official Address (including
ZIP code):

PRESIDENT
Title

1036 ST. MARYS AVE.

FORT WAYNE INDIANA 46808

*

Must be included without alteration

REQUEST FOR PUBLICATION

| | |
|----------|---|
| News | |
| Sentinel | x |
| Journal | |
| Gazette | x |
| Other | |

DATE March 15, 1976

Kindly publish the following
advertisement on the dates as
shown and issue invoice to *

* Department Board of Park Commissioners
8th Floor - City County Building
Address One Main Street - Fort Wayne, Indiana

Department of Purchases
City of Fort Wayne

By *[Signature]*

BIDS WANTED -- REFERENCE NO. 708

Sealed Proposals will be received by the City of Fort Wayne at the
Office of Department of Purchases, Number One Main Street, Room
470, Fort Wayne, Indiana, until Wednesday - March 31, 1976 - 10:00 A.M.
for the following items:

Accoustical Panels and Catwalks for Foellinger Outdoor
Theatre at Franke Park.

Each Bidder must submit a current 1976 written Affirmative Action Program with
his or her bid -- or have it on file with our E.E.O. Office for the current year.

Bid Forms, specifications, etc., may be obtained upon application at
the office and address given above.

A Bid Bond or Certified Check in the amount of \$ 5%
must be submitted with the bid.

The successful bidder will be required to furnish a 100% Performance Bond.

Department of Purchases
City of Fort Wayne
By *[Signature]* A. C. Lord
Director of Purchases

| INSERT 1st RUN | REPEAT 2nd RUN | Type of Advertising Required |
|----------------|----------------|------------------------------|
| 3-18-76 | 3-25-76 | LEGAL NOTICE x |

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA,

ALLEN COUNTY } SS:

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting, nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale or contract.

by Edward Wendel
 Bidder or Agent
EDWARD WENDEL, PRESIDENT
 For WENDEL, T. S.
 Firm or Corporation

Subscribed and sworn to before me this 31st day of March, 1976

My Commission Expires

April 26, 1978Carol Bentler

PROPOSAL:

In compliance with the foregoing invitation to bid and subject to all of the conditions thereof the undersigned offers and agrees, if this bid is accepted within a reasonable time from date of opening of bids, to enter into a contract in accordance with the prices stated herein.

The Legal Advertisement, General Conditions, Instructions to Bidders, Information for Bidders, Special Conditions, Specifications, and Plans applying form a part of this proposal.

This proposal is supported by the following bid surety as required by law and signatures affixed thereto constitute both a proposal and bid surety executed by the bidder.

BID SURETY (REQUIRED BY LAW):

BOND FORM: (USE THIS BOND FORM—NO ALTERNATE FORM OF BOND WILL BE CONSIDERED).

KNOW ALL MEN BY THESE PRESENTS, THAT we, the undersigned, are held and firmly bound unto the City of Fort Wayne, State of Indiana, in the sum of Five Percent (5%) of the Maximum Bid -----
----- 11,664.44 -----
to be paid on demand to said City of Fort Wayne, its successors and assigns for which payment well and truly to be made, we hereby bind ourselves, our heirs, successors, executors, and administrators, jointly and severally firmly by these presents.

The condition of this obligation is such that if the bid or proposal attached hereto and made a part hereof and submitted to the within named division of the City of Fort Wayne or its duly constituted agent, is accepted and a contract awarded to the undersigned bidder and the said bidder shall within ten (10) days after notice of said award enter into a contract with the said City of Fort Wayne, State of Indiana, and shall secure the performance of the same by bond or otherwise as may be required to the satisfaction of the City of Fort Wayne, Indiana then this obligation shall be null and void; otherwise to be in full force and effect.

BID CHECK (ALTERNATE FORM OF SURETY):

If a corporate surety is furnished, it is necessary that a certificate authorizing the "attorney-in-fact" to sign the bond accompanying the same.

Certified ☐

Cashiers ☐ Check No. ----- in the sum of ----- Dollars

OR ----- Bank

of ----- is herewith submitted and deposited in lieu of bond under the same terms and conditions as set forth in the above bond.
Note: If Check is used as Bid Surety—Attach here.

SIGNATURES (BID SURETY AND PROPOSAL):

Witnessed by:

Sevgian Whelch

OTHER PARTIES INTERESTED IN THIS PROPOSAL
(See 14—Signatures under General Conditions, etc.)

List all Parties if Partnership

BIDDER
AND
PRINCIPAL

WERMUTH, INC.

Name of Bidder—Print or Type

By *Samuel M. Muel*
Signature of Person Authorized to Sign

Title President

1036 St. Marys Avenue
Street Name and Number

Fort Wayne, Indiana 46808
City, State and Zip Code

Date March 31, 1976

See Cover Letter

OHIO FARMERS INSURANCE CO.

Name of Company — Print or Type

Incorporated
In the State of: Ohio

Address Westfield Center, Ohio

By *Samuel M. Muel*
Sign on this Line Attorney-in-Fact

Date March 31, 1976

Witnessed by:

Samuel M. Muel

SURETY

Ohio Farmers Insurance Co.

Westfield Center, Ohio

Know All Men by These Presents, That OHIO FARMERS INSURANCE COMPANY, a corporation duly organized and existing under the laws of the State of Ohio, and having its principal office in Westfield Center, Medina County, Ohio, does by these presents make, constitute and appoint Julian Bowers, James O. Gilbert, Roland E. Weber, Harry A. Crawford, Louis A. Menelly, Leonard B. Koeller, and Ronald J. Harruff, jointly or severally of Et. Wayne and State of Indiana its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings, or other instruments or contracts of suretyship

and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of the Ohio Farmers Insurance Company at a meeting held on the 3rd day of July, 1957:

"Be It Resolved, that the President, any Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney (s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

"Section 1. Attorney-in-Fact. Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-In-Fact shall be as binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

This power of attorney and certificate is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Ohio Farmers Insurance Company at a meeting duly called and held on the 9th day of June, 1970:

BE IT RESOLVED, that the signature of any authorized officer and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

In Witness Whereof, OHIO FARMERS INSURANCE COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed this 11th day of March A.D. 1975.

{ Corporate
Seal
Affixed }



OHIO FARMERS INSURANCE COMPANY

By R. M. McGhee Vice President

State of Ohio } ss.:
County of Medina

On this 11th day of March A.D. 1975, before me personally came R. M. McGhee to me known, who, being by me duly sworn, did depose and say, that he resides in Westfield Center; that he is Vice President of OHIO FARMERS INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.

{ Notarial
Seal
Affixed }



Robert Waver Notary Public

CERTIFICATE

My Commission Does Not Expire
Sec. 147.03 Ohio Revised Code

State of Ohio } ss.:
County of Medina

I, David S. Smith, Jr., Assistant Secretary of the OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the power of Attorney are in full force and effect.

In Witness Whereof, I have hereto set my hand and affixed the seal of said Company at Westfield Center, Ohio, this 31st day of March A.D. 1976

BD 5410 B



David S. Smith, Jr.
David S. Smith, Jr., Assistant Secretary

CITY OF FORT WAYNE

DEPARTMENT OF PURCHASES
NUMBER ONE EAST MAIN STREET
ROOM 470
FORT WAYNE, INDIANA 46802

PURCHASE ORDER NUMBER

3-33257

MAIL ALL CORRESPONDENCE, CLAIM VOUCHERS ETC. TO:

Board of Park Commissioners
8th Floor - City County Building
One Main Street - Fort Wayne, Indiana

Wermuth, Inc.
1036 St. Mary's Avenue
Fort Wayne, Indiana 46808

DATE April 21, 1976
REF. NO.
REQ. NO. 31

THE ABOVE INFORMATION MUST APPEAR ON
ALL INVOICES, BILLS OF LADING, DELIVERY
TICKETS, PACKAGES AND CORRESPONDENCE.
INVOICE IN DUPLICATE.

THIS PURCHASE ORDER ISSUED BY:
DEPT. DP

DELIVER TO:-
DEPARTMENT
OR DIVISION

DATE
WANTED }

APPROPRIATION
AND FUND
NUMBER } 22-001-001

ADDRESS % IF PAID WITHIN DAYS FROM DELIVERY AND
CASH DISCOUNT TERMS
ACCEPTANCE OF GOODS OR PERFORMANCE OF SERVICES. (DEDUCTION FOR DISCOUNT SHOWN BELOW)

| QUANTITY ORDERED | UNIT | MATERIALS, SUPPLIES OR SERVICES | UNIT PRICE | AMOUNT |
|---|------|---|---------------|-----------|
| COMPLIANCE WITH THE DELIVERY DATE REQUESTED WILL AVOID "FOLLOW UP" CORRESPONDENCE. | | | | |
| NOTE ↓ READ INSTRUCTIONS ON THE BACK OF THIS ORDER | | | | |
| THE CONTRACTOR OR VENDOR, BY ACCEPTING THIS ORDER, AGREES TO THE GENERAL CONDITIONS AND TERMS OF AGREEMENT ON THE BACK OF THIS ORDER. | | | | |
| UNLESS OTHERWISE INDICATED THE PRICES SHOWN INCLUDE ALL CHARGES FOR DELIVERY, PACKING, ETC., NECESSARY TO COMPLETE DELIVERY TO DESTINATION SPECIFIED. | | | | |
| UNLESS OTHERWISE INDICATED THE PRICES SHOWN DO NOT INCLUDE TAXES OF ANY KIND. | | | | |
| EXEMPTION BLANKS WILL BE FURNISHED WHEN NECESSARY. | | | | |
| IND. SALES TAX EXEMP. CERTIF. NO. 34508 | | | | |
| IF THIS ORDER DOES NOT AGREE WITH YOUR QUOTATION, KINDLY RETURN IT WITH AN EXPLANATION. | | | | |
| | | TAX EXEMPT (UNLESS OTHERWISE INDICATED) | | |
| | | Acoustical Panels and Catwalks for Foellinger Outdoor Theatre at Franke Park as per plans and specifications prepared by Alan Grinsfelder. | | |
| | | Per Bid No. 709 - Principal Bid, | | 77,000.00 |
| | | Plus Alternate #1 | | 8,000.00 |
| | | Plus Alternate #2 | | 12,000.00 |
| | | Net 30 Days | | 97,000.00 |
| | | To start work 10 days A.R.O. completed within 100 calendar days. | | |
| | | NOTE: 100% Performance Bond Required | | |
| | | Subject to Councilmanic Approval | | |
| | | XXXXXXXXXXXXXXXXXXXX | | |
| | | ACL/gb | | |
| I HEREBY CERTIFY THAT THE COST OF THE ABOVE PURCHASE IS FULLY COVERED BY UNENCUMBERED BALANCES IN THE ABOVE FUNDS AND THAT THE EXPENDITURE THEREOF HAS BEEN DULY AUTHORIZED AND APPROPRIATED. | | I HEREBY CERTIFY UPON MY OWN PERSONAL KNOWLEDGE THAT THIS ORDER IS AUTHORIZED BY A PROPERLY EXECUTED AND APPROVED REQUISITION ON FILE IN THIS OFFICE. | | |
| Edward G. Xamnikar - City Controller | | A.C. Lord Alex J. Demetrio - Director of Purchases | | |
| Per | | Per | | |

DIGEST SHEET

TITLE OF ORDINANCE _____

DEPARTMENT REQUESTING ORDINANCE Board of Park Commissioners

SYNOPSIS OF ORDINANCE _____

Ordinance accepting the following bid:

Acoustical Panels and Catwalks for Foellinger Outdoor Theatre

EFFECT OF PASSAGE Necessary to attain desired quality of lighting and
acoustical performance characteristics in the Outdoor Theatre.

EFFECT OF NON-PASSAGE Result in poor quality level of acoustical and
lighting characteristics at the Outdoor Theatre.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \$97,000.00

ASSIGNED TO COMMITTEE (J.N.) _____

DIGEST SHEET

TITLE OF ORDINANCE _____

S-76-05-02

DEPARTMENT REQUESTING ORDINANCE _____

Board of Park Commissioners

SYNOPSIS OF ORDINANCE _____

Ordinance accepting the following bid:

Acoustical Panels and Catwalks for Foellinger Outdoor Theatre

EFFECT OF PASSAGE Necessary to attain desired quality of lighting and
acoustical performance characteristics in the Outdoor Theatre.

EFFECT OF NON-PASSAGE Result in poor quality level of acoustical and
lighting characteristics at the Outdoor Theatre.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \$97,000.00

ASSIGNED TO COMMITTEE (J.N.)

Finance Committee